



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: the Application of
R. CRAIG MILLER AND RICHARD W. NAESS
For: CONVECTION/IMPIGNEMENT OVEN FOR
CONTINUOUSLY COOKING FOOD
Serial No. 08/722,550
Filed: 9/27/96

PATENT
Art Unit: 2106
Examiner: O. Pelham
May 30, 1997

*5 Response
Received
6/27/97*

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

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GROUP 2100

AMENDMENT

The Office Action of March 7, 1997, has been carefully considered. The examiner rejected Claim 17 under 35 U.S.C. §101 as claiming the same invention as that of Claim 1 of applicant's prior U.S. Patent No. 5,560,952. As set forth in Section 804 at 800-15 of the M.P.E.P.:

"A reliable test for double patenting under 35 U.S.C. §101 is whether a claim in the application could be literally infringed without literally infringing a corresponding claim in the patent."

There is a phrase missing from applicant's Claim 17 which is present in Claim 1 of U.S. Patent No. 5,560,952. That phrase is:

"Without any recirculation of the cooking vapors."